(TS//SI//NF) FAA Certification Renewals With Caveats
By [redacted] on 2011-10-12 0850

(TS//SI//NF) The FISA Court signed the 2011 FAA Certifications on 3 Oct 2011 – these are valid until 2 Oct 2012, permitting SSO FAA-authorized accesses to continue operations. However, in the 80-page opinion, the judge ordered certain "upstream" or "passive" FAA DNI collection to cease after 30 days, unless NSA implements solutions to correct all deficiencies identified in the opinion document. PRISM operations are not affected by these caveats. All PRISM providers, except Yahoo and Google, were successfully transitioned to the new Certifications. We expect Yahoo and Google to complete transitioning by Friday 6 Oct. Regarding the non-PRISM FAA collection programs, the Court cited targeting and minimization procedures related to collection of Multiple Communications Transactions as "deficient on statutory and constitutional grounds." SSO, Technology Directorate, OGC, and other organizations are coordinating a response, which includes planning to implement a conservative solution in which the higher-risk collection will be sequestered. It is possible that this higher risk collection contains much of the non-duplicative FAA collection resulting in FAA reporting from upstream accesses. This solution is designed to comply with the judge's order; however, the judge will have to determine if it does. If the solution is installed, SSO will then work with OPIs and OGC to modify the solution over time such that the filtering process will be optimized to permit more valid collection to be processed and forwarded to OPIs. Finally, in parallel with these efforts, the OGC is contemplating filing an appeal to the ruling.